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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,174	01/02/2002	Brian C. Ramey	BEA920010036US1	9102
49056	7590	03/31/2005		
LIEBERMAN & BRANDSDORFER, LLC 12221 MCDONALD CHAPEL DRIVE GAITHERSBURG, MD 20878			EXAMINER KOROBOV, VITALI A	
			ART UNIT	PAPER NUMBER

2155

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/040,174

Applicant(s)

RAMEY, BRIAN C.

Examiner

Vitali Korobov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/02/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1- 19 are presented for examination.

***Paper Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: **Information Disclosure Statements** as received on 08/30/2004 is considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 12, 14-16, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6813777 B1 by Weinberger et al., (hereinafter Weinberger).

With respect to claim 1, Weinberger teaches a method for remotely communicating with a computer system operable in a headless environment (Col. 4, line 57 – 62), comprising: (a) routing communication from a first partition of the system to a service processor (Fig. 1, item 231); and (b) routing communication from said service

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processor to a remote console (Col. 4, line 62 – 67; Fig. 121, item 121 – remote console).

With respect to claim 2, Weinberger teaches the method of claim 1, wherein the step of routing communication from said first partition to said service processor includes utilizing a UART communication channel (Col. 28, lines 17 – 19).

With respect to claim 3, Weinberger teaches the method of claim 1, wherein the step of routing communication from said service processor to said remote console includes utilizing an Ethernet connection (Col. 57, lines 60 – 63).

With respect to claim 4, Weinberger teaches the method of claim 1, further comprising the step of routing communication from one of a plurality of partitions to said service processor through a multiplexer (Col. 20, lines 14 – 24).

With respect to claim 5, Weinberger teaches the method of claim 4, further comprising the step of selecting one of said plurality of partitions for communication between said multiplexer and said service processor through a multiplexer control (Col. 20, lines 43 – 46; Col. 30, lines 62 – 66).

With respect to claim 6, Weinberger teaches the method of claim 4, wherein the step of routing communication from one of said plurality of partitions to said service processor includes utilizing standard UART signals (Col. 28, lines 17 – 19).

With respect to claim 7, Weinberger teaches a computer system operable in a headless environment comprising: a first partition (Fig. 1, overhead equipment partition 230); a service processor to manage a communication between said first partition and a remote console (Fig. 1, service manager 231); and a UART communication channel to

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transfer said communication between said first partition and said service processor (Col. 31, lines 11 – 15).

With respect to claim 8, Weinberger teaches the system of claim 7, further comprising a multiplexer to direct communication between one of a plurality of partitions and said service processor (Col. 20, lines 14 – 24).

With respect to claim 9, Weinberger teaches the system of claim 8, further comprising a multiplexer control to select one of said partitions for communication with said service processor (Col. 20, lines 43 – 46; Col. 30, lines 62 – 66).

With respect to claim 10, Weinberger teaches the system of claim 8, wherein said multiplexer directs said communication through said UART channel (Col. 31, lines 11 – 15).

With respect to claim 11, Weinberger teaches the system of claim 7, wherein said service processor receives and transmits commands with said remote console through an Ethernet connection (Col. 57, lines 60 – 63).

With respect to claim 12, Weinberger teaches a method for remotely communicating with a computer system operable in a headless environment comprising: (a) routing communication from a first partition of the system to a multiplexer (Fig. 5a, audio in 1 partition communication is routed to multiplexer 352); (b) routing communication from a second partition of the system to a multiplexer (Fig. 5a, audio in 2 partition communication is routed to multiplexer 352); and (c) routing communication from said multiplexer to a remote console (Fig. 5a, multiplexer output

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routed to service processor 231, which in turn, as shown on Fig. 1, routes it to remote console 121).

With respect to claim 14, Weinberger teaches the method of claim 12, wherein the step of routing communication from said multiplexer to said remote console includes utilizing a UART communication channel (Col. 31, lines 11 – 15).

With respect to claim 15, Weinberger teaches the method of claim 12, further comprising the step of selecting one of said partitions for communication from said multiplexer to said remote console through a multiplexer control (Col. 20, lines 43 – 46; Col. 30, lines 62 – 66).

With respect to claim 16, Weinberger teaches a computer system operable in a headless environment, comprising: a first partition (Fig. 5a, Audio IN 1); a second partition (Fig. 5a, Audio IN 2); a multiplexer to manage a communication between one of said partitions and a remote console (Fig. 5a, MUX 352); and a UART communication channel to transfer said communication between one of said partitions and said remote console (Col. 31, lines 11 – 15).

With respect to claim 18, Weinberger teaches the system of claim 16, further comprising a multiplexer control to select one of said partitions for communication with said remote console (Col. 20, lines 43 – 46; Col. 30, lines 62 – 66).

With respect to claim 18, Weinberger teaches the system of claim 16, wherein said multiplexer receives and transmits commands with said remote console through an Ethernet connection (Col. 57, lines 60 – 63).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberger above, and further in view of U. S. Patent No. 4189769 by Cook et al. (hereinafter Cook).

With respect to claim 13, Weinberger teaches the method of claim 12, but fails to explicitly teach the further limitations of claim 13, wherein the step of routing communication from one of said partitions of the system to the multiplexer includes utilizing a UART communication channel. Cook on the other hand teaches the step of routing communication from one of said partitions of the system to the multiplexer includes utilizing a UART communication channel. (Col. 76, lines 15 – 21; also Fig. 6D, input multiplexer 24.sub.x1, UART 31 and UART multiplexer 27.sub.x). Weinberger and Cook are analogous art because they are both related to routing multiplexed data to peripheral devices. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Weinberger with the teachings of Cook in order to simplify the expansion of system capability for handling a greater number of peripheral devices on a simple economic basis while increasing data-transfer rates and reducing access errors in individual transfer operations (Cook, last sentence of the Abstract).

With respect to claim 17, Weinberger teaches the system of claim 16, but fails to explicitly teach the further limitations of claim 16, wherein said partitions communicate with said multiplexer through a UART communication channel. Cook on the other hand teaches the system wherein said partitions communicate with said multiplexer through a UART communication channel. (Col. 76, lines 15 – 21; also Fig. 6D, input multiplexer 24.sub.x1, UART 31 and UART multiplexer 27.sub.x). Weinberger and Cook are analogous art because they are both related to routing multiplexed data to peripheral devices. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Weinberger with the teachings of Cook in order to simplify the expansion of system capability for handling a greater number of peripheral devices on a simple economic basis while increasing data-transfer rates and reducing access errors in individual transfer operations (Cook, last sentence of the Abstract).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

03/20/2005

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER